

LUCAS COUNTY WORKFORCE DEVELOPMENT AGENCY (LCWDA) ON-THE-JOB TRAINING (OJT) INTERIM POLICY

The Workforce Investment Act On-the-Job Training (WIA-OJT) Program is administered in Lucas County under the authorizations of the Workforce Investment Act of 1998 and the Rules and Regulations governing the On-the-Job Training (OJT) program that are defined in Sections 663.700 through 663.720 of CFR, Part 652 (Part III).

The Lucas County Workforce Investment Board (WIB), by approving this OJT policy, confirms that OJT employers who meet the policy requirements will be approved for OJT contacts, upon the recommendation of the Workforce Development Director or his/her Designee (WDD/D).

OJT may be provided to eligible WIA participants who are assessed and found to be in need of training services in order to obtain or retain employment that leads to self-sufficiency. The participants must demonstrate a need for training through the Core and Intensive Service tiers of the One-Stop Center operations, and a failure to obtain and retain employment that leads to self-sufficiency through the Self Service, Core and Intensive Services tiers of the One Stop. A participant must also meet the requirements for training services. (See Training Policy)

An OJT contract can be developed between an employer and the LCWDA to Provide occupational skill training for a WIA participant in exchange for reimbursement of up to fifty percent (50%) of the wage rate to the employer to compensate for the employer's extraordinary costs in training the WIA participant on the job.

Conflict of Interest

- A. A member of the Board may not vote on a matter under consideration by the Board regarding the provision of services by such member, an entity that such member represents; or that would provide direct financial benefit to such member or the immediate family of such member.
- B. A member of the Board may not engage in any other conduct determined by the Governor to constitute a conflict as specified in the State plan.
- C. A Board member may not use or authorize the use of authority or influence of the office to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the Board member with respect to that person's duties.
- D. No Board member shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the Board member with respect to that person's duties.
- E. All Board members must comply with the provisions and requirements of *R.C. Chapter 102* and the conflict of interest provisions of the Bylaws of the Governor's Workforce Policy Board and the Lucas County Workforce Investment Board.

WIA-OJT Applicant/Participant Requirements:

1. Sources for OJT trainees may come from the Lucas County One Stop applicant pool, LCWDA and staff referrals, employer referrals, other agency/organization referrals, Lucas County Department of Job and Family Services (LDJFS) referrals, and Ohio Department of Job and Family Services (ODJFS) referrals.
2. An applicant must first apply for services at the Lucas County One Stop, register, and be determined eligible for the WIA program prior to participating in the OJT component and meet the requirements of Training Services. (See Training Policy.) A registered, eligible applicant must have received at least one Core Service and one Intensive Service at the Lucas County One Stop prior to enrollment in OJT. An Individual Employment Plan (IEP) must have been developed by a counselor/case manager that documents the participant's need for training that is supported by an in-depth assessment of the participant's skills, knowledge, abilities, aptitudes, interests, socio-economic factors, extensive vocational exploration, and information concerning the participant's inability to obtain/retain employment that leads to self-sufficiency without training.
3. Eligible youth applicants who are 18-21 years old who have registered and been approved for WIA Training Services may be enrolled in OJT as an adult, or concurrently as a youth and an adult, if appropriate.
4. If it becomes necessary to assign a priority system for OJT, OJT services will first be given to recipients of Public Assistance, then to low-income individuals, as determined by the Lucas County Workforce Investment Board. Dislocated Workers and Displaced Homemakers are not subject to this requirement.
5. OJT Contracts may be written for WIA-eligible employed workers when the employee is not earning a wage that leads to self-sufficiency, as determined by the WIB (i.e., 200 % of the poverty level), or if the OJT relates to the introductions of new technologies, the introduction of new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the WIB.

OJT Employer Requirements

1. The potential OJT employer must furnish information, including the company's IRS Identification Number, State Unemployment Insurance Account Number, proof that the OJT trainee will be covered under Workers' Compensation Insurance for the duration of the OJT, and a detailed job description for the OJT position.

2. Each employer, with the assistance of the LCWDA, must complete training outline, which will be reviewed by the WDD/D prior to the trainee beginning OJT. The training outline will identify what must be learned in order to perform the basic tasks the job requires, the estimated number of hours necessary to learn these tasks, and the methods the employer will use to measure the trainee's new skills. A training outline must be along the lines of industry standards or as defined in the Dictionary of Occupational Titles/Occupational Outlook Handbook or O*NET.
3. Employers are required to provide OJT Trainees with the intent to continued long-term employment with wages, benefits, and working conditions equal to those of regular employees. Future OJT contracts will not be written for employers who fail to provide these conditions. (Long-term employment is defined at a minimum of six months.)
4. Union concurrence is required in order for some employers to enter OJT contracts when appropriate. In these cases, the employer must provide LCWDA with written concurrence from the Union for the OJT. OJT Contracts cannot be written for employers who are currently involved in labor disputes.
5. All employers are required to have a grievance process in place, and shall follow the grievance process in all matters related to the OJT trainee.
6. Reverse referral of potential OJT trainees by employers will be considered, but not automatically accepted into the OJT program. All OJT trainees must meet WIA participation requirements. OJT employers must agree to accept referrals and agree to interview other WIA applicants for the OJT in addition to the employer-referred participant.
7. The OJT occupation must not involve payment of commission wages as the primary source of wage payments to the OJT trainee.
8. The OJT occupation must not involve religious or political activity.
9. The OJT must be conducted at the employer's place of business or another site, and may not be subcontracted.
10. The OJT employer must comply with all applicable health and safety policies and standards, as required by Federal and State law.
11. No employer may hire an OJT trainee if a member of that trainee's immediate family is engaged in an administrative capacity for that employer.
12. An OJT contract may not be written for a position in which a worker is currently on layoff, or for a position that will deny a current worker

promotional opportunities.

13. The OJT employer must certify that neither the employing company nor its Principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation by any Federal Department or Agency.

On-The-Job Training Contract Requirements

1. OJT contracts can be written with employers from the public, private non-profit, or private for-profit business sectors.
2. All OJT contracts must provide that the goal will be for the trainee to secure full time employment with the OJT employer, or provide an upgrade in employment, upon the conclusion of the OJT.
3. An OJT must provide the participant with a competency or skill that is recognized by the employer, and qualify as a credential under the standards established by the Lucas County Workforce Investment Board.(See Credential Policy)
4. An OJT contract with a training employer must be limited to that period of time required for a participant to become proficient in the training occupation. The contract must specify the type and duration of training, the wage and reimbursement rates or training, the participant training plan, and all other documentation specified in the attached WIA-OJT Contract that must be used for all OJT contracts.
5. The number of training hours to be allowed in an OJT contract for a specified OJT trainee will be determined through preparation of an OJT Training Time Worksheet by the Job Development staff. The length of the OJT training time is determined by considering the difference between the skill level required for the job and the OJT participant's current skill level, with the difference related to the average length of training as defined in the SVP code assigned to that occupation in the Dictionary of Occupational Titles. (Industry Standards or O*NET may be utilized if not available in the DOT). Prior experience in the same or related occupation and related education/training will be considered and evaluated. Consideration must be given to the academic and occupational skill level of the participant, prior work experience, and the participant's Individual Employment Plan (IEP) as explained in Section 101 (31) (C) of the WIA Act. The OJT training outline will be developed through negotiations between the Job Development staff and the OJT employer, taking into consideration the OJT trainee's prior work experience, education, training, and the work requirements for the job.

6. OJT contracts may be written for WIA-eligible employed workers when the employee is not earning a wage leading to self-sufficiency as determined by the WIB, or if the OJT relates to the introduction of new technologies, the introduction of new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.
7. The OJT Training Plan must be written for skills that the trainee does not already possess. Care must be given to check the trainee's work history, and to document that the new skills to be learned are different, more difficult, and/or unique to the new job, and are therefore necessary to perform the new job tasks.
8. OJTs will be written for positions that are at least 32 hours per week, and pay the prevailing wage, as stated in the LMI, for that position. Handicapped persons, persons with specific needs to work fewer hours, and older workers may be exempt from this general rule with prior approval from the WDD/D.
9. No participant shall be placed in more than two OJT situations within a given WIA year. The second OJT must be approved by the WDD/D. The reason for a second OJT must be specifically documented (laid off, fired, inappropriate job match, etc.) and the decision to grant a second OJT will be granted on an individual basis. In cases where two OJTs have been offered, and were unsuccessful, it will then be presumed that an OJT experience is not the appropriate training method for the individual.
10. Billing for employer reimbursements for OJTs will be handled by the Lucas County Office of Management and Budget. Changes in the status of an OJT participant must be appropriately referred to MIS and Fiscal within five working days.
11. The Job Development staff member assigned to the participant shall handle any discoveries of inconsistencies in attendance, pay, or failure to pay the trainee, and such findings shall be reported immediately to the WDD/D.
12. In some cases, an OJT participant may be eligible for classroom training in conjunction with the OJT. Such cases will be allowed with the permission of the WDD/D.
13. If the trainee's Case Manager or Job Development staff member suspects that the employer is in violation of the OJT agreement, he/she must notify the WDD/D in writing within three working days. The WDD/D will decide if the situation should be monitored and/or investigated further. The WDD/D may also recommend corrective action directly to the employer. Recommendations may include, but are not limited to, advising the employers about the Fair Labor Standards Act, limiting the use of the employer as an OJT provider, and

counseling the employer to develop a corrective action plan, The WDD/D will then follow up on said plan within a specified time frame to ensure that corrective action has been taken. If corrective action is not taken in the specified time frame, the OJT Contract may be terminated by the WDD/D.

14. OJT will be offered for demand occupations for the Lucas County Area. These demand occupations are defined as those identified by the Ohio Bureau of Job and Family Services Labor Market Analysis as having an increase of 20% or more in the next five years. However, occupational skills training through OJTs are, by definition, a demand job, since placement is expected upon the trainees' successful completion of the OJT.
15. The training occupation should have career advancement potential, and must be in accord with the trainee's Individual Employment Plan (IEP).
16. Training in occupations requiring a license to perform certain work shall not be allowed unless the OJT employer certifies that it is the firm's intention to continue employment and further occupational training for the OJT trainee until all license requirements are met.
17. The number of OJT training positions allowed per employer must not exceed twenty-five percent (25%) of training employees, unless consent to raise this level is approved by the WDD/D.
18. OJT contracts will include performance standards for WIA for wages, retention and earnings gained. OJT employers who have had prior OJT contracts that do not meet the LCWDA trainee retention standards will be disqualified from participating in the OJT program for one year from the date of the disqualification determination. Two disqualification determinations will render an employer ineligible for the OJT program for 5 years.